IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

WP(C).No. 16031 of 2007(H)

AGAINST THE ORDER IN IA. 952 /2007 IN
OS.348/2001 of II ADDL.SUB COURT,TRIVANDRUM
.....

PETITIONER:

VIJAYAKUMAR,S/O.VISWAMBHARAN,
PEEYUSHALAYAM,KALLUKULAM,THOZHICHAL DESOM,
VENGANOOR VILLAGE,THIRUVANANTHAPURAM.

BY ADV. SRI.V.SURESH
SRI.G.SUDHEER

RESPONDENTS:

ANILKUMAR, S/O.MADHAVAN,MADHAVA MANDIRAM,
AZHAKULAM,MUTTACAUD,VENGANOOR,THIRUVANANTHAPURAM.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 16031 OF 2007

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Dated this the 28th day of May, 2007.

J U D G M E N T

The plaintiff in the writ had challenged the order of the learned Subordinate Judge, Thiruvananthapuram in I.A.952/07. It is an application wherein the defendant wanted to find out the correctness of the signed stamp paper and writing and for it is necessary to find out whether the signature and contents of the signed paper were contemporaneously made or not. It appears from the evidence of the defendant that he gave a signed blank stamped paper as security and later it had been converted into a promissory note and the suit has been initiated for realisation of the amount. So, in order to find out the truth, one has to find out the age of the writings on the promissory note and age of the signature which had been put in the said document. Therefore, when a scientific evidence is attempted to be made available it will be helpful for the Court to arrive at a correct decision in the matter. Therefore, I do not find any reason to interfere with the order passed by the learned Sub Judge. The learned counsel for the writ petitioner has submitted before me that all these

proceedings had been initiated after the evidence is over. There will be a direction to the learned Sub Judge to send the documents for expert opinion and to get a report as expeditiously as possible and not later than 2 months from the date of receipt of the order. It has also to be made very clear that irrespective of the result of the suit the expenses for the expert opinion has to be met by the defendant in this case. The learned Sub Judge shall see that the matter is not unnecessarily protracted by the parties. On receipt of the expert opinion, the case be tried and disposed of expeditiously.

M.N. KRISHNAN, JUDGE.

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